

New Hampshire Racing & Charitable Gaming Commission
Commission Meeting
June 4, 2013
13-07

Present: Timothy J. Connors, Chairman
Anthony B. Urban, Secretary
Frederick H. Booth, Member
Dennis H. Caza, Member
Michael J. Gatsas, Member
Lynn M. Presby, Member
Paul M. Kelley, Director
Sudhir K. Naik, Deputy Director
Steve Johnston, Supervisor Gaming Operations
Billie Jean Arseneault, Gaming/Licensing Supervisor
Linda Glaser, Auditor
Stratos Argiras, Auditor
Amir Alic, Auditor
Linda R. Darrow, Administrative Secretary

In Attendance: Averill Cate, Gregg Barber, Dick Bouley, Rick Newman, Nick Bonardi, Teresa Rosenberger, Heidi Kroll, Jeanne Callahan and others.

The Chairman called the meeting to order at 11:20 a.m., apologizing for the delay.

On a motion by Commissioner Caza, seconded by Commissioner Urban and unanimously voted to approve and place on file the minutes dated May 15, 2013.

On a motion by Commissioner Urban, seconded by Commissioner Caza and unanimously voted to accept and place on file the Games of Chance late financials spreadsheet. Deputy Director Naik noted all responses were received by the due date.

The Games of Chance State Revenue spreadsheets were reviewed. On a motion by Commissioner Urban, seconded by Commissioner Caza and unanimously voted to accept and place on file.

Mr. Rick Newman asked the Commission if a charity licensee for Bingo renting a commercial hall could use an approved dispensing device, based on Chapter 287-E:21, III-a. Discussion ensued. This question will be among the topics of discussion slated for the meetings/workshops scheduled for the summer with the industry to clarify rules governing Bingo and the sale of Lucky 7 tickets. On a motion by Commissioner Gatsas, seconded by Commissioner Presby and unanimously voted to accept and place on file.

A request for approval was received from Mr. John Smolic of Electronic Game Solutions for their hand held bingo computer, model iBingo. Director Kelley noted that staff had reviewed the request and it meets all pertinent statutes. On a motion by Commissioner Presby, seconded by Commissioner Urban and unanimously voted to approve the request.

Tabled

- a. *Rules governing Bingo and the sale of Lucky 7 tickets:* This item will remain tabled through the summer. Meetings will take place with the industry to clarify the rules and will be chaired by Commissioner Presby. The goal is to present to the Commission clarified rules by Labor Day.

Action

- a. *Staff to work with River Card Room – conducting Bingo, selling Lucky 7 tickets in same location as Games of Chance:* Director Kelley led the discussion on what the current statutes say, don't say, and intent regarding same. Issues needing clarification from the Commission:
 - o How many cards constitute Bingo? What amount of time is considered "normal play"? Four hours? More? Less?
 - o When can the sale of Lucky 7 tickets begin? When should sales end?
 - o Is Saturday considered a work day or part of the weekend? Can Bingo start at 10:00 or 11:00 on Saturdays?
 - o When/where can an approved Lucky 7 dispensing device be used? Who is ultimately responsible for this machine once installed?
 - o Chapter 287-E:21 (Lucky 7) and Chapter 287-E:7 (Bingo Games) need clarification where they appear to contradict each other.

A motion was made by Commissioner Gatsas and seconded by Commissioner Urban that 8 cards constitute Bingo, start-time on Saturdays is 11:00 a.m., sales of Lucky 7 tickets can begin two hours earlier than game start, and can be sold up to one hour after bingo games are over. Discussion continued. More questions arose. Commissioner Gatsas withdrew his motion, and Commissioner Urban withdrew his second.

On a motion by Commissioner Gatsas, seconded by Commissioner Presby and unanimously voted to address these questions at the meetings to be held with the industry over the summer. Commissioner Presby stressed the importance of the industry working together to support the process.

On a motion by Commissioner Presby, seconded by Commissioner Gatsas and unanimously voted to not endorse the River Card Room's proposal and to maintain the status quo until the meetings with the industry have been held over the summer to study and resolve the issues needing clarification.

- b. *Attorney Luker/Potts Gaming to provide documentation on operation of redemptive slot machines/prizes:* Director Kelley stated that the documentation has not been received. He handed out an email he received from Attorney Luker on June 3, 2013, which he read for the record:

"Paul, per voicemail I left you earlier; I understand you had us on the agenda for tomorrow, but I have a previously scheduled 11:00 in Keene tomorrow which I couldn't move. I have pulled together most of the statement/description of Lakes Region Casino activities that I understood the Commission to be requesting at the 5/15 meeting, but it's not quite done, and with Rick Newman's departure, it's taken a bit longer than I had hoped. I expect to have it finished up and delivered to your office by Friday, and should be available to discuss any further questions at the Commission's next meeting, if that

date has been set. My apologies for any inconvenience. Please call me if you have any questions – I'll be driving tomorrow a.m. – 496-8431”.

Discussion ensued. Director Kelley was asked to again contact Attorney Luker to confirm receipt of his email and verify that the items requested by the Commission at the May 15th Commission meeting will arrive on Friday. The Commission is also working with the Attorney General's Office to bring this matter to a successful conclusion.

Final Proposals

Director Kelley stated that JLCAR had agreed to the final proposals listed below and asked for the Commission's approval of the final proposals for:

Pari 1010 and others – Carryover Bingo Game Prize

Pari 1102.16 and others – Double-sided Lucky 7 Tickets

Pari 1102.17 and others – Multiple Jackpot Seal Cards

On a motion by Commissioner Booth, seconded by Commissioner Urban and unanimously approved the final proposals.

Director Kelley noted that JLCAR objected to the proposed changes to Pari 303-Racetrack Licensing. They stated the Commission had no statutory authority to set different fees, depending on the type of racetrack application. Discussion ensued. On a motion by Commissioner Gatsas, seconded by Commissioner Presby and unanimously voted to set the fee for all racetrack applications at \$10,000 per year.

Director Kelley was asked the status of the establishment of a simulcast location in Cheshire County. He agreed to invite Attorney McLaughlin and Mr. Faucher to come in and update the Commission on their progress.

Correspondence:

Deputy Director Naik stated that the audit completed last July of BPO Elks Lodge 720 produced 11 observations needing to be addressed. A follow-up review by the audit staff showed that all observations had been corrected. Auditor Glaser was thanked for a job well done. On a motion by Commissioner Booth, seconded by Commissioner Presby and unanimously voted to accept and place on file.

Old Business:

None

New Business:

- Auditor Amir Alic was introduced and welcomed aboard.
- Director Kelley provided a legislative update on SB314 and SB75. Both bills continue to evolve and he will keep the Commission updated.
- Director Kelley noted that the Senate version of the state budget could lead to staff reduction. The House version of the budget differs from the Senate version. The budget will have to go to committee of conference before we have a final budget. He will keep the Commission apprised.
- Mr. Newman addressed the Commission. He noted that page 40 of HB2 mentions ATM machines located in state licensed facilities (liquor, charitable gaming, etc.) being blocked to EBT card holders. If the facility does not block use of the ATMs located in their facility, they may face losing their state issued facility licenses.

There being no questions or comments from the audience, at 12:35 p.m., on a motion by Commissioner Booth, seconded by Commissioner Urban and by a unanimous roll call vote the Commission voted to adjourn the regular meeting and go into nonpublic session as allowed under RSA 91-A:3, I (b), II(c) and II(j)

Connors	-	Yes
Caza	-	Yes
Booth	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Urban	-	Yes

At 1:05 p.m., on a motion by Commissioner Urban, seconded by Commissioner Caza and by a unanimous roll call vote the Commission voted to come out of the nonpublic session and permanently seal the nonpublic minutes.

Connors	-	Yes
Caza	-	Yes
Booth	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Urban	-	Yes

The next meeting is scheduled for Monday June 17, 2013 at 11:00 a.m. at the Board of Pharmacy conference room at 57 Regional Drive.

The Chairman closed the public meeting at 1:10 p.m.

Respectfully Submitted,

Secretary
Anthony B. Urban

Kelley, Paul

From: Luker, Daniel P [DLuker@preti.com]

Sent: Monday, June 03, 2013 4:48 PM

To: Kelley, Paul

Subject: Potts Gaming / Lakes Region

Paul –

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My apologies for any inconvenience. Please call me if you have any questions – I'll be driving tomorrow a.m., 496.8431.

/dan

Daniel P. Luker

PretiFlaherty

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6/4/2013